



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,894	04/17/2001	John E. Armstrong	75637/11931	6547
23380	7590	08/04/2005	EXAMINER	
TUCKER, ELLIS & WEST LLP 1150 HUNTINGTON BUILDING 925 EUCLID AVENUE CLEVELAND, OH 44115-1475				BACKER, FIRMIN
ART UNIT		PAPER NUMBER		
		3621		

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SUPPLEMENTAL Office Action Summary	Application No.	Applicant(s)
	09/836,894	ARMSTRONG ET AL.
	Examiner	Art Unit
	Firmin Backer	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 22 February 2005.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 6-59 and 83-86 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 6-59 and 83-86 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 22nd, 2005 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 6-59 and 83-86 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 6-59 and 83-86 are rejected under 35 U.S.C. 102(e) as being anticipated by Tarpenning et al (U.S. PG Pub No. 20020007454).

5. As per claims 6, Tarpenning et al teach a method/system/computer usable medium for exchanging data between an initiator and a responder, comprising sending a session request package from the initiator to the responder; sending a session confirm from the responder to the initiator; generating a first key pair by the responder, the first key pair comprising a responder public key and a responder private key, sending a key request from the initiator to the responder the session confirm comprising the initiator public key; generating a first key pair by the initiator, the first key pair comprising a initiator public key and a responder private key confirming the initiator's key request has been encoded correctly by the responder; sending a key confirm from the responder to the initiator; confirming the responder's key confirm has been encoded correctly by the initiator; sending a data package by the initiator to the responder; replying with a package confirm by the responder to the initiator; and, repeating the sending a data package step and replying step until the initiator sends an end request (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

6. As per claims 7, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session request package comprises the initiator's IP address and profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

7. As per claims 8, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm step comprises the step of generating a new session key pair having a responder's public session key (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

8. As per claims 9, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises the session key pair; the responder's public session key; the responder's profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).
9. As per claims 10, Tarpenning et al teach a method/system/computer usable medium for exchanging data the key request comprises: the initiator's public session key; the initiator's profile data (*see paragraphs 0014, 0027, 0034, 0035, 0042*).
10. As per claims 11, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the session confirm comprises the responder's public session key (*see paragraphs 0014, 0027, 0034, 0035, 0042*).
11. As per claims 12, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the key request is encoded with the responder's public session key (*see paragraphs 0014, 0027, 0034, 0035, 0042*).
12. As per claims 13, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the initiator's key request comprises decoding the key request; and, verifying the key request is properly formatted (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

Art Unit: 3621

13. As per claims 14, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the confirming the responder's key confirm comprises decoding the key confirm, and verifying the key confirm is properly formatted (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

14. As per claims 15, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the sending a data package comprises converting the data from its original format to a standardized format (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

15. As per claims 16, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the replying comprises converting the data from the standardized format to a format used by the responder (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

16. As per claims 17, Tarpenning et al teach a method/system/computer usable medium for exchanging data wherein the standardized format is EDI (*see paragraphs 0014, 0027, 0034, 0035, 0042*).

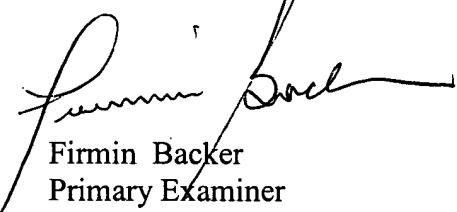
17. As per claim 18-59 and 83-86 they disclose same inventive concept as claims 6-17. Therefore they are rejected under the same rationale as claim 6-17.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Firmin Backer whose telephone number is (703) 305-0624. The examiner can normally be reached on Mon-Thu 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (703) 305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Firmin Backer
Primary Examiner
Art Unit 3621

August 3, 2005